

DOCKET NO.: MSFT-0577/167503.02
Application No.: 09/900,230
Office Action Dated: January 4, 2005

PATENT

REMARKS

Upon entry of the present amendment, claims 1-6 and 8-9 will be pending, with claim 1 being the independent claim. In the Official Action, dated January 4, 2005, claim 10 was rejected under 35 U.S.C. § 112, 2nd paragraph, as allegedly indefinite for reasons related to improper antecedent basis for the terms “song selection” and “user profile.” Without conceding the propriety of the rejection, Applicants have canceled claim 10 herein without prejudice. Withdrawal of the rejection based on improper antecedent basis is thus respectfully requested.

In the Official Action, Claims 1-6 and 8-10 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over US Patent No. 6,539,395 (Gjerdinen et al.) in view of US Patent No. 6,721,741 (Eyal et al.). Claim 7 was objected to as being dependent upon a rejected base claim, but was indicated to be allowable if rewritten in independent form. Claim 7 has been rewritten into independent form by amending claim 1 herein to include the subject matter of claim 7 indicated to be allowable. Claim 7 has been canceled herein accordingly, and claim 1 is believed allowable over the art of record.

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Applicants believe that the present Amendment is responsive to each of the points raised by the Examiner in the Office Action, and submit that Claims 1-6 and 8-9 of the application are in condition for allowance. Favorable consideration and passage to issue of the application at the Examiner's earliest convenience is earnestly solicited.

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